

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*

CRIMINAL DOCKET NO. 11-97

v.

*

SECTION: K

JOSE ROBERTO DE LEON

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FACTUAL BASIS

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **JOSE ROBERTO DE LEON** (hereinafter “**DE LEON**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (hereinafter the “agent”) would testify that on or about April 7, 2011, he encountered the defendant, **DE LEON**, during criminal alien program duties at the Orleans Parish Prison, in the Eastern District of Louisiana. Upon determining the defendant was illegally in the United States and upon his release from the custody of the State of

Louisiana, the defendant was detained and arrested by an Immigration and Customs Enforcement (hereinafter “ICE”) agent.

The agent would testify that he conducted record checks through various U.S. Department of Homeland Security databases, which revealed that the defendant was a citizen of Mexico and illegally present in the United States.

Documentation from the records of ICE, contained in the defendant’s Alien file, including a Warrant of Removal/Deportation, complete with the defendant’s fingerprints, photographs and signature, would demonstrate that the defendant, **DE LEON**, was removed from the United States to Mexico on or about April 11, 2006, at or near Brownsville, Texas. A qualified ICE Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

Testimony of an official from U.S. Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **DE LEON**, did not receive consent from the U.S. Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant’s previous removal.

Further documents, court records, and other admissible evidence would show that on or about

June 20, 2005, in the Three hundred seventieth District Court of Hidalgo County, Texas, the defendant, **DE LEON**, was convicted of robbery.

ROBERT WEIR
Special Assistant United States Attorney

Date

JOSE ROBERTO DE LEON
Defendant

Date

SAMUEL SCILLITANI
Attorney for Defendant

Date